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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,157

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EXAMINER

MCCULLOUGH, MICHAEL C

ART UNIT

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3653

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,157	Applicant(s) DOBRINDT, DIRK	
	Examiner MICHAEL MCCULLOUGH	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed 11 April 2011 has been entered,

Claim Objections

1. Claims 1-8 are objected to because of the following informalities: claim 1 line 8, "the axis" should be "an axis"; claim 1 recites words ending with "(s)" which should be replaced by either the singular or plural form of the word; claim 1 line 11, "the respective end(s) of respective accommodation segment(s) should be "respective ends of the respective accommodation segments"; claim 2 line 2, "a sheet" should be "the sheet"; and claim 4 line 2, "the exterior side" should be "an exterior side". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 line 10 recites "one or more respective drag element(s)" in line 10. It is unclear if one or more than one drag element is required. A clarifying amendment would be "at least one drag element".
4. Claim 1 lines 10-17 recite "the respective end(s) of respective accommodation segment(s) opposite the corresponding stacking member(s) and carried along during rotation of the respective accommodation segment(s), the drag element(s) adapted to

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shift deposited sheets and pull sheets toward the stack abutment, the drag element(s) being movable in a radial direction relative to the stacking member(s)". It is unclear what the bounds of the limitations are because the limitations are written to include both one and more than one elements and combinations of one and more than one. Words ending with "(s)" should be replaced with either the singular or plural form and "one or more" should be replaced with "at least one".

5. Claim 2 recites "the drag element(s)" in line 4. It is unclear how many drag elements are claimed.

6. Claims 3-8 recite "said at least one drag element" in lines 2 and 1-2. It is unclear if the at least one drag element is a different drag element than the one or more drag elements of claim 1.

7. Claim 6 recites the limitation "the at least one stacking device" in line 3. It is unclear if this should be the accommodation segments or if the stacking device is a new element.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delfosse et al. (FR 2760733 A1) in view of d'Agrella et al. (US 6,199,860 B1). Delfosse et al. discloses an apparatus for depositing a sheet on a stack in a delivery unit of a printing machine comprising a stack abutment (26), a stacking member (24), two respective accommodation segments (24a and 24b) arranged on the stacking member

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that can be driven so as to rotate about an axis of rotation (center of 24) in order to grasp and deposit the sheet, at least one respective drag element (47a and 47b) carried along with rotation of the stacking member, the at least one drag element adapted to shift deposited sheets and pull sheets toward the stack abutment, the at least one drag element being movable in a radial direction relative to the stacking member (see Figure 4), input means (slots between 24/24a and 24/24b) into which a leading edge of the sheet to be stacked can be fed, wherein the at least one drag element protrudes beyond the input means with respect to the axis of rotation (see Figure 4), the at least one drag element is substantially tongue shaped (see Figure 4, especially 4a), the at least one drag element extends so as to project outward from an exterior side (see Figure 4), the at least one drag element extends at an acute angle outward from the exterior side against a direction of rotation (see Figure 4a). Holtje does not disclose two independently coaxially rotating stacking members and the at least one drag element is arranged on respective ends of the respective accommodation segments. However, d'Agrella et al. discloses a similar device that includes two independently coaxially rotating stacking members (22a,d) which are actuated separately (see column 3 line 10 through column 4 line 23) for the purpose of providing optimum delivery of sheets to the input means (see column 4 lines 21-23). It would have been obvious for a person of ordinary skill in the art at the time of the applicant's invention to modify Delfosse et al. by utilizing two independently coaxially rotating stacking members, as disclosed by d'Agrella et al., for the purpose of providing optimum delivery of sheets to the input means. Farther, it would have been obvious for a person of ordinary skill in the art at

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the time of the applicant's invention to modify Delfosse et al. to relocate the at least one drag element to the ends of the accommodation segments (which would also be on the input means), since it has been held that rearranging parts of an invention involves only routine skill in the art.

9. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delfosse et al. (FR 2760733 A1) in view of d'Agrella et al. (US 6,199,860 B1), as applied to claims 1-6 above, in farther view of Michler (US 2003/0021659 A1). Delfosse et al. in view of d'Agrella et al. discloses all of the limitations of the claims but does not disclose the at least one drag element features a rubber material and a metal reinforcement. However, Michler discloses a similar device that includes a rubber material with a metal reinforcement (see Paragraph 0043) for the purpose of reducing vibrations (see Paragraph 0037). It would have been obvious for a person of ordinary skill in the art at the time of the applicant's invention to modify Delfosse et al. in view of d'Agrella et al. by utilizing a rubber material and a metal reinforcement, as disclosed by Michler, for the purpose of reducing vibrations.

Response to Arguments

10. Applicant's arguments filed 11 April 2011 have been fully considered but they are not persuasive. Applicant argues the present invention allows sheets to be stacked at higher speeds than Delfosse or d'Agrella. In response, the claims are not drawn to the speed at which sheets are stacked. the claims are obvious over Delfosse in view of d'Agrella.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL MCCULLOUGH whose telephone number is (571)272-7805. The examiner can normally be reached on Monday-Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stefanos Karmis can be reached on (571) 272-6744. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael C McCullough/
Primary Examiner, Art Unit 3653